

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DISTRICT - DETROIT**

**IN THE MATTER OF
Juannelious Murray, Sr.**

**CASE NO: 17-41767
CHAPTER: 13
JUDGE: Oxholm**

Debtor.

_____ /

DEBTOR'S OBJECTION TO PROOF OF CLAIM OF IRS

NOW COMES **Juannelious Murray, Sr.**, Debtor(s) herein, by and through his attorney, David A. Milstein, and states the following:

1. Debtor filed a Chapter 13 case on February 9, 2017.
2. The IRS filed a Proof of Claim on February 21, 2017, (Claim 1). The IRS amended this claim on March 24, 2017, (Claim 1-2). The total of the debt listed in the amended Proof of Claim is \$287,064.01. Included in the debt is a secured claim in the amount of \$128,500.00. This claim also includes an Unsecured Priority in the amount of \$38,412.29. The remaining balance of the Proof of Claim is listed as a General Unsecured claim in the amount of \$120,151.72.
3. The Debtor wishes to reduce the Secured portion of the claim to \$41,000.00. The IRS can only have a valid secured claim in the amount of the value of the property. The total amount of the value of the unencumbered equity in assets in this case is \$41,000.00. The total amount listed as a Priority Unsecured claim shall remain at \$38,412.29. The General Unsecured portion shall be increased to \$207,651.72. The total amount of the claim shall remain at \$287,064.01.

Wherefore, the Debtors wish to reduce the Secured Claim amount in the Proof of Claim to \$41,000.00 and increase the amount of the General Unsecured portion of the Proof of Claim to \$207,651.72.

/s/David Milstein
David Milstein, P56543
Attorney for Debtor
38701 Seven Mile Rd., #445
Livonia, MI 48152
(734) 953-1161, fax (734)953-1167
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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

Juannelious Murray, Sr.

CHAPTER 13

CASE NO. 17-41767

JUDGE Oxholm

Debtor(s).

_____/

ORDER GRANTING OBJECTION TO PROOF OF CLAIM OF IRS

This matter having come on for hearing before the Court by way of the objection of the Debtor to the allowance of the claim of the above referenced creditor, service having been made with a notice of hearing allowing a thirty (30) day notice pursuant to Bankruptcy Rule 3007, and the Court being fully advised in the premises;

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

The objection to the Proof of Claim filed by the above-referenced Creditor is hereby granted.

IT IS FURTHER ORDERED as follows:

1. The amount of the IRS Secured Claim shall be reduced to \$41,000.00
2. The amount of the IRS General Unsecured Claim shall be increased to \$207,651.72.

Exhibit 1

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DISTRICT - DETROIT**

**IN THE MATTER OF
Juannelious Murray, Sr.**

**CASE NO: 17-41767
CHAPTER: 13
JUDGE: Oxholm**

Debtor.

_____ /

PROOF OF SERVICE

David Milstein, being sworn, deposes and says that on the 15th day of April, 2017 he served, Objection to Proof of Claim from IRS in said case upon the following parties by certified U.S. Mail, postage prepaid, properly addressed as follows:

DEBTOR: Juannelious Murray, Sr., 26009 Hersheyvale Dr., Franklin, MI 48025

CREDITOR: IRS, PO Box 7346, Philadelphia, PA 19101-7346

**U.S. Attorney (Civil Division), 211 W. Fort St., #2001, Detroit, MI
48226**

/s/David Milstein

David Milstein, P56543
Attorney for Debtor
38701 Seven Mile Rd., #445
Livonia, MI 48152
(734) 953-1161, fax (734)953-1167
bankruptcyassistancecenter@yahoo.com

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

Juannelious Murray, Sr.
26009 Hersheyvale Dr.
Franklin, MI 48025

Social Security No.
xxx-xx-1582

Chapter: 13

Case No.: 17-41767

Debtor. _____/

Judge: Oxholm

NOTICE OF OBJECTION TO CLAIM

Juannelious Murray, Sr. has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before May 30, 2017, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at:

U.S. Bankruptcy Court
211 W. Fort St., 17th Floor
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Juannelious Murray, Sr., 26009 Hersheyvale, Franklin, MI 48025

Tammy Terry, 535 Griswold, #2100, Detroit, MI 48226

David Milstein, 38701 Seven Mile Rd., #445, Livonia, MI 48152

2. Attend the hearing on the objection, scheduled to be held on June 5, 2017, at 11:00 a.m. in Courtroom 1875, United States Bankruptcy Court, 211 W. Fort Street, Detroit, Michigan, unless your

objector=s attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

/s/David Milstein

David Milstein, P56543

Attorney for Debtor

38701 Seven Mile Rd., #445

Livonia, MI 48152

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